

REMARKS

Reconsideration and allowance of the above referenced application are respectfully requested.

Claims 1, 4-7, 9-13, 15-18, 20-24, 26, 28-29, 37-38 and 41 stand rejected under 35 USC 103 as allegedly being unpatentable over Shavit et al. (hereinafter "Shavit") in view of Gebhardt, JR. et al (hereinafter "Gebhardt"). This contention is respectfully traversed.

With all due respect, the hypothetical combination does not meet the patent office's burden of providing a prima facie showing of unpatentability.

Claim 1 requires discovering information relating to an accessibility state of one or more communication channels associated with a specific message recipient. According to Claim 1, at least one of the communication channels is a bridged connection where the discovering information interrogates a bridging device regarding the availability of a recipient device. As explained in the specification, for example page 9 paragraph 21, the bridged connection is one that passes through an intermediate recipient's device before ultimately being delivered to the intended recipient. This compares with a direct connection that is delivered directly to the intended recipient without first being routed through an intermediate device.

The rejection combines the basic system of Shavit with the secondary reference to Gebhardt, that admittedly shows a system with a proxy. However, it is respectfully suggested that even if Shavit and Gebhardt could be combined, it would still not teach or suggest the subject matter as claimed.

The rejection admits on page 3 that the primary reference to Shavit does not teach a bridging device. With all due respect, Gebhardt also does not teach anything which suggests a bridged connection as claimed. Gebhardt teaches that "proxy" is a synonym for a "master element". See the first sentence of paragraph 11 which uses master element as a synonym for proxy. The proxy manages the independent devices within the domain. In fact, paragraph 12 describes that the proxy will "monitor status and control the elements in its domain" (emphasis added). Since the proxy only controls what is in its domain, it is certainly not a bridging device which, by its very nature, would be outside the domain. Gebhardt's device does not teach a bridging, and in fact, teaches away from the claimed bridging. The proxy in Gebhardt is clearly a direct connection, since it only connects to things in the domain. The proxy manages the elements, and communicates with all its managed elements. See paragraph 12. Clearly, however, this is not an intermediary, but rather is simply a management of existing structures.

Moreover, Claim 1 requires that the bridging is carried out to find a specific message recipient, which is nowhere taught or

suggested by Gebhardt, whose proxy is simply looking for managed devices within its specific domain.

Therefore, the hypothetical combination of Shavit in view of Gebhardt does not teach or suggest "a bridged connection ... " or "at least one bridging device ... ", of the type disclosed and claimed according to the present specification. Claim 1 should hence be allowable along with the claims that depend therefrom.

The dependent claims should also be allowable on their own merits. For example, claims 5 and 9 define the level of intrusiveness. This is not taught or suggested by the hypothetical prior art, and hence should be independently allowable. Claim 12 defines that the device-independent identifier uniquely identifies the message recipient. This is further inconsistent with Shavit/Gebhardt which describes the managed elements being of specified types, and never teaches or suggests such a unique identifier.

Claim 13 includes similar limitations and should be allowable for reasons similar to those discussed above along with the claims that depend therefrom. Claim 24 defines discovery processes that determine communications for a specific message recipient who is specifically identified in a message, and that one of the discovery processes is a bridged connection. As described above, Shavit/Gebhardt does not teach a bridged connection, Gebhardt's connection can not in any sense be considered as suggesting a specific message recipient that is

identified in a message, as claimed. Claim 24 should hence be additionally allowable for these reasons.

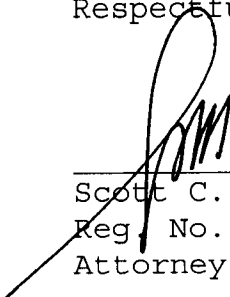
Claim 37, 38 and 41 should be allowable for similar reasons to those discussed above.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant asks that all claims be allowed. No fee is believed to be due, however please apply any applicable charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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